

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JACK H. CARTER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:09-CV-126
)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley, Jr. on June 29, 2010 [Doc. 17]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The magistrate judge recommended that defendant Commissioner's motion for summary judgment [Doc. 15] be granted, and that plaintiff's motion for judgment on the pleadings [Doc. 11] be denied.

The Court has carefully reviewed this matter, including the underlying pleadings. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 17]. Additionally, it is **ORDERED** that the Commissioner's motion for summary judgment [Doc. 15] be **GRANTED**, and that plaintiff's motion for

judgment on the pleadings [Doc. 11] be **DENIED**. Defendant Commissioner's decision in this case denying plaintiff's application for benefits is **AFFIRMED**. This case is **DISMISSED**. The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE